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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.      |  |  |
|--|-------------|----------------------|---------------------|-----------------------|--|--|
| 10/551,404   | 09/29/2005  | Thomas David Gurley  | PU30097             | 4448                  |  |  |
| 24498  | 7590        | 05/12/2009           | EXAMINER            |                       |  |  |
| Thomson Licensing LLC<br>P.O. Box 5312<br>Two Independence Way<br>PRINCETON, NJ 08543-5312 |             |                      |                     | ANDRAMUNO, FRANKLIN S |  |  |
| ART UNIT   |             | PAPER NUMBER         |                     |                       |  |  |
| 2424   |             |                      |                     |                       |  |  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                       |  |  |
| 05/12/2009   |             | PAPER                |                     |                       |  |  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/551,404             | GURLEY ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | FRANKLIN S. ANDRAMUNO  | 2424                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 March 2009.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-21 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/01/09 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 8-9 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman et al (US 2003/0093789 A1) in view of Naidoo et al (US 7,185,282 B1). Hereinafter referred as Zimmerman, and Naidoo.

Regarding claims 1, 8 and 15, Zimmerman discloses an apparatus, method and television signal receiver having an emergency alert function (**incoming alarm notification controller (150) in figure 1**), processing means for enabling an alert output responsive to said emergency alert signals (**page 1 paragraph (0013)**).

Zimmerman teaches in (**tuner (310 in figure 3)**) tuning means for tuning a channel frequency that provides emergency alert signals indicating an emergency event. In addition, Zimmerman also teaches a first depression of said single user interface button when said television signal receiver is in an "off" state and said emergency alert function is activated (**page 8 paragraph (0083)**), said processing means perform steps comprising turning said television signal receiver to an "on" state and presenting information based on said emergency alert signals (**page 6 paragraph (0068)**), and wherein, responsive to a second depression of said single user input button, said processing means cause said television signal receiving to be returned to an "off" state (**page 7 paragraph (0071)**).

Therefore, it would have been obvious at the time of the invention to include the use of a tuner. This is a useful combination because the system is capable of displaying an emergency message to a television system.

**Also, Zimmerman fails to disclose the use of** a single user input button for receiving tactile user inputs to control said emergency alert function, wherein said single user input button is the only tactile user input means integral with said apparatus that is capable of controlling said emergency alert function. Naidoo discloses the use of a button as a human interface of a emergency response unit (**Column 18 lines 34-37**).

Therefore, it would have been obvious at the time of the invention to include the use of single user input button for receiving tactile user input. This is a useful

combination because the emergency unit can be used with a remote control system. Also, the use of a button as a human interface is useful for responses to false alarms.

Regarding claims 2, 9 and 16, Naidoo discloses an apparatus, method and television signal receiver, wherein said single user input button includes: a plurality of different states (**column 27 lines 35-42**); and said apparatus performs one or more different operations responsive to each of said states based on user programming (**42-48**).

2. Claims 3-7, 10-14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman et al (US 2003/0093789 A1) in view of Naidoo et al (US 7,185,282 B1) in view of Ganzer et al (US 5,121,430). Hereinafter referred as Zimmerman, Naidoo and Ganzer.

Regarding claims 3, 10 and 17, Zimmerman discloses an apparatus, method and television signal receiver (**page 3 paragraph (0030)**).

**However, Zimmerman and Naidoo fail to teach** illuminating means for illuminating said single user input button based on a severity level of said emergency event. Ganzer teaches on (**column 9 lines 46-51**) the LED circuitry (62) may include multiple LED's to indicate different types of alert conditions.

Therefore, it would have been obvious at the time of the invention to include the use of an illuminating means. This is a useful combination because it allows a system to display different levels of color emergencies.

Regarding claims 4, 11 and 18, Ganzer discloses an apparatus, method and television signal receiver, wherein said illuminating means illuminates said single user input button using: a first color if said severity level represents a first level (**red LED might indicate warning condition (column 9 lines 47-48)**); a second color if said severity level represents a second level (**Stead yellow LED might indicate watch condition (column 9 lines 49-50)**); and a third color if said severity level represents a third level (**Green LED indicates all clear (column 9 lines 50-51)**).

Regarding claims 5, 12 and 19, Ganzer discloses an apparatus, method and television signal receiver, wherein said first, second and third colors are each combined with a fourth color (**The use of a fourth color can be adapted just like the sound of the ring tones for the emergencies. Changing a color or adding a color is a matter of changing an LED (column 9 lines 52-55. This is considered non-functional descriptive material and can not be used to define over prior art)**).

Regarding claims 6, 13 and 20, Ganzer discloses an apparatus, method and television signal receiver, wherein said illuminating means illuminates said single user input button using only said fourth color when said emergency alert function is not activated (**Green LED indicates all clear (column 9 lines 50-51)**).

Regarding claims 7, 14 and 21, Ganzer discloses an apparatus, method and television signal receiver, wherein said illuminating means illuminates said single user input button using: two colors if said severity level represents a first level; three colors if said severity level represents a second level; and four colors if said severity level represents a third level (**Using different degrees of emergencies is included in a logic circuitry to spell out the alert type (column 9 lines 55-58)**).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/  
Supervisory Patent Examiner, Art  
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